

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION)

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO ALL)
CLASS ACTIONS)
01-CV-12257-PBS AND 01-CV-339)

Judge Patti B. Saris

Chief Magistrate Judge Marianne B. Bowler

NOTICE OF FILING UNDER SEAL

To: All Counsel of Record

Please take notice that on December 16, 2005, we caused to be filed with the Clerk of the District of Massachusetts under seal the following:

1. Declaration of Jennifer Fountain Connolly In Support of Plaintiffs' Memorandum in Support of Proposed Consolidated Class Certification Order;
2. Declaration of Donald E. Haviland In Support of Plaintiffs' Memorandum in Support of Proposed Consolidated Class Certification Order; and
3. Declaration of John Macoretta in Support of Plaintiffs' Memorandum in Support of Consolidated Class Certification Order.

DATED: December 16, 2005

By /s/ Steve W. Berman
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CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, **NOTICE OF FILING UNDER SEAL** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on December 16, 2005, a copy to LexisNexis File & Serve for posting and notification to all parties.

By /s/ Steve W. Berman

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